

## Department of Justice

## § 79.46

claimant or eligible surviving beneficiary will be notified and afforded the opportunity to submit military, government, or business records in accordance with the procedure set forth in § 79.52(c).

(b) Claimants associated with AEC and Department of Energy (DOE) Components or Contractors or members of the Federal Civil Defense Administration and the Office of Civil and Defense Mobilization.

(1) A claimant or eligible surviving beneficiary who alleges that the claimant was present onsite during an atmospheric nuclear test as an employee of the AEC, the DOE, or any of their components, agencies or offices, or as an employee of a contractor of the AEC, or DOE, or as a member of the Federal Civil Defense or the Office of Civil and Defense Mobilization must submit the following information on the claim form:

- (i) Claimant's name;
- (ii) Claimant's social security number;
- (iii) The site at which the claimant participated in an atmospheric nuclear test;
- (iv) The name or other identifying information associated with the claimant's organization, unit, assignment or employer at the time of their participation onsite;
- (v) The dates of the claimant's assignment onsite;
- (vi) As full and complete a description as possible of the claimant's official duties, responsibilities and activities while an onsite participant.

(2) A claimant or eligible surviving beneficiary under this section need not submit any additional documentation of presence onsite during an atmospheric nuclear test at the time the claim is filed; however, additional documentation may be required as set forth in paragraph (b)(3) of this section.

(3) Upon receipt of a claim under this subpart that contains the information set forth in paragraph (b)(1) of this section, the Radiation Exposure Compensation Unit will forward the information to the Nevada Field Office of the Department of Energy (DOE/NV) and request that the DOE conduct a search of its records for the purpose of gathering facts relating to the claim-

ant's presence onsite and participation in an atmospheric nuclear test. If the facts gathered by the DOE/NV are insufficient to establish the eligibility criteria in § 79.42 of these regulations, the claimant or eligible surviving beneficiary will be notified and afforded the opportunity to submit military, government, or business records in accordance with the procedure set forth in § 79.52(c).

### § 79.44 Proof of medical condition.

Proof of medical condition under this subpart will be made in the same manner, and according to the same procedures and limitations, as are set forth in the provisions of § 79.16 and § 79.26.

### § 79.45 Proof of initial or first exposure after age 20 for the condition listed in § 79.22(b)(1), or before age 20 for the condition listed in § 79.22(b)(4), or before age 40 for the condition listed in § 79.22(b)(5), or before age 30 for the condition listed in § 79.22(b)(7).

(a) Proof of the claimant's date of birth must be established in accordance with the provisions of § 79.14(a).

(b) Absent any indication to the contrary, the earliest date of onsite participation indicated on any records accepted by the Radiation Exposure Compensation Unit as proof of the claimant's onsite participation will be presumed to be the date of initial or first exposure.

### § 79.46 Proof of onset of leukemia between two and thirty years after first exposure, and proof of onset of a specified compensable disease more than five years after first exposure.

Absent any indication to the contrary, the earliest date of onsite participation indicated on any records accepted by the Radiation Exposure Compensation Unit as proof of the claimant's onsite participation will be presumed to be the date of first or initial exposure. The date of onset will be the date of diagnosis as indicated on the medical documentation accepted by the Radiation Exposure Compensation Unit as proof of the specified compensable disease. Proof of the onset of leukemia shall be established in accordance with § 79.11(e).